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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

*Individual and Representative Plaintiffs,*

v.

META PLATFORMS, INC.,

*Defendant.*

Case No. 3:23-cv-03417-VC

**PLAINTIFFS' OPPOSITION TO META'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

Plaintiffs respectfully submit this opposition to Defendant Meta Platforms, Inc.’s Administrative Motion to File Under Seal, Dkt. 328. In opposing Plaintiffs’ Motion for Leave to File Third Amended Consolidated Complaint, Meta continues its pattern of sealing all references to the methods Meta used for downloading<sup>1</sup> and distributing pirated works from third-party datasets, as well as all references to the specific datasets that Meta used.

Meta apparently has developed a list of “prohibited words” that it seeks to seal and redact every time such words are used in briefing. *E.g.*, Dkt. 335 (extensively redacting a discovery letter brief because one of the prohibited words is its primary subject). The mere utterance of these prohibited words does not implicate any commercially sensitive Meta business information, nor are the words trade secrets. Meta may be uncomfortable with their public use, but it is settled law that the “mere fact that the production of records may lead to a litigant’s embarrassment” is not sufficient to warrant sealing. *E.g.*, *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). And this Court “almost always denies motions to seal because they are almost always without merit.” Standing Order at ¶ 29; *see also* Judge Hixson Standing Order at 2 (“The parties are reminded that court proceedings are presumptively public.”). In this case, the Court has already directed the parties to “avoid any unnecessary redactions” where “there is no conceivable reason that any of the redacted portions . . . would need to be sealed.” Dkt. 192.

The public has the right to learn how Meta acquired the copyrighted works used to train the Llama Models. Plaintiffs are not asking Meta to divulge its source code or the specifics of its Llama training methods. Instead, Plaintiffs simply ask that Meta refrain from sealing generalized references to the third-party datasets it used and the methods it employed to download the works

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<sup>1</sup> To avoid needing to seal *this* two-page opposition, Plaintiffs use the general word “downloading” as a euphemism for the similar word that Meta always tries to seal. *See* Dkt. 329 at 2 (redacting that word).

at issue. Meta defends this case by arguing that these same datasets are “publicly available” sources of text works, Dkt. 329 at 13, and there is no basis to seal their names. Further, the downloading processes that Meta uses are widely known in the industry. *See* Dkt. No. 335 at nn. 1-2 (Meta redacting citations to public law journal articles simply because they mention these processes).

As this case has progressed, Meta’s censorship of embarrassing (but not commercially sensitive) information has, if anything, increased. Without judicial intervention, the forthcoming summary judgment and class certification briefing will effectively be hidden from the public. Plaintiffs thus request that the Court (1) partially deny Meta’s Administrative Motion to File Under Seal, and (2) direct Meta to refrain from sealing the main body of its briefs with the exception of any excerpts that directly quote case documents designated pursuant to the Protective Order, and for which Meta can make the requisite showing in accordance with this Court’s Standing Order.

Dated: December 16, 2024

By: /s/ Joshua M. Stein  
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